

REMARKS

Claims 1 and 3-9 are pending in the present application. Claims 1, 4, 5, 6 and 8 have been amended to clarify the present invention. The present claim amendments find support in the specification, at least, at page 17, lines 7-23; page 18, lines 9-15; page 24, lines 17-19; and page 28, lines 6-12. Finally, claims 2 and 10 have been cancelled. No new matter has been added by way of the above amendments.

Rejection under 35 U.S.C. § 102

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 2002/0193555 to Hori et al. (hereinafter "Hori").

The present claims have been amended to require:

"A process for preparing a titanium-containing solution containing a titanium compound, wherein *said titanium is a monomeric or a polymeric titanium compound including not more than 100 units . . .*" (emphasis added)

Hori does not disclose a monomeric or a polymeric titanium compound including not more than 100 units for the preparation of the titanium containing solution. The titanium-containing solution of Hori is obtained by dissolving the solid titanium compound in ethylene glycol alone, or in ethylene glycol with other components (*See* [0137]). The solid titanium compound is prepared by dehydro-drying a contact product of a hydrolysate of titanium halide or titanium alkoxide with a polyhydric alcohol (*See* [0060], [0083] and Examples). Applicants submit that a condensation reaction, for example, $\text{Ti-OH} + \text{HO-Ti} \rightarrow \text{Ti-O-Ti}$, is caused by dehydro-drying and, as a result, a polymeric solid titanium compound including more than 100 units is obtained in Hori.

The titanium compound, of which the degree (n) was assumed to be 109 or higher, described in Comparative Example 11 of the present application was also prepared in the same manner as Hori. However, the titanium compounds used for preparing the titanium-containing solution of the invention in Examples of the present invention were dissolved as they were without performing a drying step, which caused a dehydration-condensation (See Examples 1-4 and 15, etc.). Therefore, the degree of titanium compounds used in the Examples of the present invention was not more than 100.

As is clear from the comparison between the Examples within the scope of the present invention and Comparative Example 11 of the present invention, the polymerization activity of polyester is improved by using a titanium compound including not more than 100 units.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Since Hori does not disclose a monomeric or a polymeric titanium compound including not more than 100 units for the preparation of the titanium containing solution, Hori cannot properly anticipate the presently claimed invention, within the meaning of 35 U.S.C. § 102(b). Accordingly, the present invention is patentable over Hori. Reconsideration and withdrawal of the outstanding rejection are respectfully requested.

In view of the foregoing, Applicants believe the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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